

The 15th September, 1982

No. 9(1)82-6Lab/8675.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Administrator, Municipal Committee, Kaithal.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD.

Reference No. 241 of 1981

between

SHRI BIR SINGH, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S. ADMINISTRATOR, MUNICIPAL COMMITTEE, KAITHAL.

Shri Rajeshwar Nath, for the workman.

Shri Som Dev Sharma, for the respondent.

AWARD

This reference No. 241 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/AMB/66/81/48082, dated the 21st September, 1981 under section 10 (i) (c) of the Industrial Disputes Act, 1947, existing between Shri Bir Singh, workman and the respondent management of M/s Administrator, Municipal Committee, Kaithal. The term of the reference was:—

Whether the termination of services of Shri Bir Singh was justified and in order? If not, to what relief is he entitled?

Notices were issued to the parties, on receiving this reference order. The parties appeared and filed their pleadings. The case of the workman according to his demand notice is that he was appointed as O.I.B. on 21st July, 1979 and drawing Rs. 347 per month and was terminated on 9th September, 1981 without any notice or reason so the action of the respondent is illegal arbitrary and against the natural justice. No prescribed procedure was followed for termination. Even the mandatory provisions of section 25-F of the Industrial Disputes Act, 1947 were not observed. So the workman is entitled for the reinstatement with full back wages and continuity of service.

The case of the respondent according to written statement is that the workman was appointed purely on temporary basis without any condition of notice rather there was a condition that at stage any employee wishes to resign the post he shall have to give one month notice or forfeit one month pay in lieu thereof. But on such condition was imposed on the municipal Committee to issue one month notice to the workman prior to his termination from the post. The termination was on account of Government orders received by the Committee because the employees was not taken through the Employment Exchange which was the mandatory provisions of the Committee to employ the person. So his removal was according to law and the reference is bad and may be dismissed.

On the pleadings of the parties, only one issue as per reference was framed:—

1. Whether the termination of services of the workman was proper, justified and in order? If not, to that relief is he entitled?

My findings on the same is as under:—

Issue No. 1:—

The representative of the respondent argued that the claimant was appointment,—*vide* Ex.M-3 the letter of appointment on 19th July, 1979. The appointment letter as stated by the respondent witness MW-1 Shri Balwant Singh Octroi Supdt. was purely on temporary basis and likely to be continue. In this appointment letter it is clearly mentioned if at any stage any appointee wishes to resign the post he shall have to give one month's notice or forfeit one month's pay in lieu thereof and no such condition was imposed on the committee. The claimant in his statement has admitted this fact that he received this letter and he had read and accepted it without any objection, so it is proved that the workman was appointed on temporary basis but after his appointment the respondent received one letter from the Haryana Government which is Ex. M-1 in which they have ordered to remove the services of the workman and in compliance to this letter the order Ex. M-2 was issued by the respondent that "as ordered by the Haryana Government you are no more required in service." So the respondent has not acted against the principles of natural justice and acted according to law and orders of the superior officer of the Haryana Government under the provisions of law. The workman

was appointed without going in the provisions of the appointment as required under the law and rules. Under the rules no employee can be employed in the Committee directly without taking the permission from the employment exchange. The workman was appointed and his case was sent to the Haryana Government for approval but the Government dis-approved the appointment, so his services were removed and there is no need of notice under the rules as he was a temporary workman as he was appointed against the provisions of law. The services of the workman were terminated as per law.

The representative of the workman argued on this issue that as stated by the workman as WW-1 he was appointed on 21st July, 1979 as OIB and the respondent removed him from service on 9th September, 1980 without any notice he was drawing Rs. 347 per month. It is further correct that the respondent received a letter from the Government to terminate the services of the workman, but the respondent has appointed Shri Yash Pal, Vir Bhan along with claimant which were not removed and still working with the respondent and if it was such orders from the Government then these workmen should have also been removed from service. When they are working the claimant is also entitled for continuity of service. Moreover the claimant has completed 240 days and was a permanent employee after completing one year of service. Without any break and such employee cannot be removed without observing the mandatory provision of section 25-F of the Industrial Disputes Act. The respondent has failed to observe the mandatory provision of the Act and the terminations wrong.

After hearing the arguments of both the parties, and going through the file, I am of the view that the respondent has not terminated the services of the claimant without any cause. They received the letter from the Haryana Government to terminate the services of the workman which is Ex. M-1 and in compliance of that order the services of the workman were terminated. So there is no un-justification in the order of removal. The respondent is justified in removing service of the workman as he was not appointed as per the provisions of the law. The respondent can only employ the person through the Employment Exchange and not directly. The appointment itself was wrong and the Government has directed the respondent to remove the services of the workman and appointed the person according to law and rules lay down in this behalf. So the termination of services of the workman is justified and he is not entitled to any relief.

This be read in answer to this reference.

Dated the 3rd August, 1982.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1783, dated the 17th August, 1982

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9(1)82-6Lab./8782.— In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Paras Industries, Court Road, Jagadhri.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 296 of 1978

(Fbd. 319/1981)

between

SHRI JEE RAM, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S PARAS INDUSTRIES, COURT ROAD, JAGADHRI

Shri Surinder Kumar, for the workman.

Shri Suhhash Chand, for the management.

AWARD

These reference No. 296. of 1982 has been referred to the Labour Court Rohtak by the Hon'ble Governor,—vide his order No. ID/YMN/90-78/47567, dated 20th October, 1982 under section 10 (i) (c) of the Industrial Disputes Act 1947 for adjudication of the dispute existing between Shri Jee Ram workman and the management of M/s Paras Industries, Court Road Jagadhri. The term of the reference was:—

Whether the termination of services of Shri Jee Ram, was justified and in order ? If not, to what relief are they entitled ?

After receiving this reference, notices were sent to the parties by the Labour Court, Rohtak. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 26th April, 1979. Then the case was fixed for the evidence of the workman. Ten adjournment have already been given by the Court for the evidence of the workman. After that the Haryana Government transferred this case to this Court,—vide order No. 1(79)-80-ILab, dated 20th October, 1981. And the case was received in this Court in December, 1981 in reference No. Fbd. 319/1981.

After receiving this case file, notices were sent to the parties. The parties appeared and the evidence of the workman was recorded as WW-1 and WW-2 on 10th February, 1982 and closed his case. Then the case was fixed for the evidence of the management. On 5th August, 1982 the representative of the workman made statement in this Court that he had no instructions from the workman. So he does not want to pursue this reference.

In the light of the above statement of the representative of the workman. I hold that the reference is dismissed in default of the workman and there is no dispute between the parties. No orders as to costs. I give my award accordingly.

Dated the 17th August, 1982.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court Haryana,
Faridabad.

Endst. No. 1851, dated the 19th August, 1982

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9(1)82-6Lab/8783.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Greiner Engineering Products 13/7 Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER,
LABOUR COURT, HARYANA, FARIDABAD

Reference No. 147 of 1982

between

SHRI GULAB CHAND MISHRA, WORKMAN AND THE MANAGEMENT OF M/S GREINER
ENGINEERING PRODUCTS 13/7, MATHURA ROAD, FARIDABAD.

Present.—

Shri Darshan Singh, for the Workman.

Shri S. L. Gupta and Suresh Gupta, for the Management.

AWARD

This reference No. 147 of 1982 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/67/82/25780, dated 7th June, 1982 under section 10 (i) (c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Gulab Chand Mishra workman and the management of M/s Greiner Engineering Products - 13/7, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of service of Shri Gulab Chand Mishra was justified and in order? If not, to what relief is he entitled ?

After receiving this reference, notices were sent to the parties. The parties appeared. On 14th July, 1982, the representative of the management made a statement in this Court that the workman has submitted his resignation to the management which is Ex. M-1 and subsequently received his full and final account of Rs 358.09. The receipt of voucher is Ex. M-2. He further stated that there is no dispute between the parties. This statement was duly admitted by the representative of the workman.

In the light of the above statement of the parties, I hold that the reference is bad in law and there is no dispute between the parties. No orders as to costs. I give my award accordingly.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana, Faridabad.

Dated, the 17th August, 1982.

Endorsement No. 1852, dated the 19th August, 1982

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana, Faridabad

The 17th September, 1982

No. 9 (1) 82-6Lab/8790.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Green Printing Press, Cross Road Ambala Cantt.

IN THE COURT OF SHRI HARI SINGH KAUSHIK PRESIDING OFFICER, LABOUR COURT
HARYANA, FARIDABAD

Reference No. 111 and 120 of 1982

between

S/SHRI RAJ KUMAR AND PIAREY LAL WORKMEN AND THE RESPONDENT-MANAGEMENT
OF M/S. GREEN PRINTING PRESS, CROSS ROAD AMBALA CANTT

None for the workmen.

Shri Parbodh Chand for the management.

AWARD

These references No. 111 and 120 of 1982 have been referred to the Labour Court, by the Hon'ble Governor of Haryana,—vide his order No. ID/AMB/164-81/23317, dated 21st May, 1982 and 165/81/23755, dated 25th May, 1982 under section 10, i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between S/Shri Raj Kumar and Piarey Lal workman and the management of M/s Green Printing Press, Cross Road, Ambala Cantt. The terms of the reference were:—

Whether the termination of services of S/Shri Raj Kumar and Piarey Lal was justified and in order? If not, to what relief are they entitled ?

After receiving these references, notices were sent to the parties for 6th July, 1982 under Regd. cover. On 6th July, 1982 the partner of the management was present. The Regd. A. D. notice which were sent to the workman returned back, with the postal authorities remarks that the complete address is not known. It was already 1-30 P. M. The case was called thrice. The partner of the management stated that the workman have settled their case with them and there is no dispute between the parties. In these circumstances, I hold that the references are bad in law and these references are dismissed in default of the workmen. So there is no dispute between the parties. No orders as to costs. I give my award accordingly.

Dated the 17th August, 1982.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana, Faridabad.

Endorsement No. 1859, dated 19th August, 1982

Forwarded (four copies) to the Commissioner & Secretary to Govt., Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 9(1)82-6Lab./8938.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Laldee Pvt. Ltd. 20/2, Mathura, Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 231/82

between

SHRI JAI PARKASH WORKMAN AND THE MANAGEMENT OF M/S LALDEE PVT.
LTD., 20/2, MATHURA ROAD, FARIDABAD.

Present.—

Nemo, for the workman.

Nemo, for the management.

The State Government of Haryana referred the following dispute between the workman Shri Jai Parkash and the management of M/s Laldee Pvt. Ltd. 20/2, Mathura Road, Faridabad, by order No. ID/FD/64/82/28444, dated 24th June, 1982, to this Tribunal, for adjudication in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of service of Shri Jai Parkash was justified and in order? If not, to what relief is he entitled?

Notices of the reference were sent to the parties. But on the date fixed, none was present despite service. The case was ordered to be dismissed for non-prosecution by the parties. I, therefore, dismiss the case for non-prosecution by the parties.

M. C. BHARDWAJ,

The 23rd August, 1982.

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Endst. No. 914, dated 25th August, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.